

REMARKS

Applicant has carefully studied the Office Action of September 13, 2005 and offers the following remarks to accompany the above amendments.

Before addressing the rejection, Applicant provides a brief summary of the present invention so that the remarks relating to the reference are considered in the proper context. The present invention is designed to facilitate finding parking in a general area or area of interest (defined in paragraph 0037 of the specification). In particular, the present invention was inspired by the parking situations frequently found in Europe or larger cities, wherein a tourist may drive around fruitlessly looking for a parking spot because the tourist is unfamiliar with the area and does not know what sort of public parking may be available. To help the hapless tourist, the present invention allows the tourist to use her mobile terminal to request parking information about a particular location without already being in a parking lot. The system then determines the location of the mobile terminal and, based on the location of the mobile terminal, the system can identify available parking that is nearby. Requiring the tourist to be in the parking lot defeats the purpose of the invention because being in the parking lot means that the tourist has found the parking lot and is no longer looking for a parking lot. In an exemplary embodiment, the invention identifies both street parking and multiple parking facilities that have open spaces. This information is then sent to the tourist's mobile terminal. Relevant to note in this invention is that the system does not require the user to have any *a priori* knowledge of what facilities have parking, nor is this system limited to a single parking lot that requires a subscription to retrieve information about its available parking.

Claims 1, 13, 25, and 37 have been amended to clarify that the location of the mobile terminal is outside of any parking area or facility. No new matter is added. Claims 12, 24, 27, 32, and 36 are amended to clarify antecedent basis issues. No new matter is added.

Claims 1-37 are rejected under 35 U.S.C. §102(e) as being anticipated by Haynes et al. (hereinafter "Haynes"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP §2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard, which the Patent Office has not met in this case.

Claim 1 recites “determining a location of the mobile terminal. . . .” The Patent Office asserts that this element is taught by Haynes, Fig. 4, element 4040. Applicant traverses this assertion. Figure 4, element 4040, tersely states “receive parking preferences” and makes no reference to determining any sort of location of the mobile terminal. Haynes, col. 13, lines 20-35 discusses step 4040 and, while the passage does discuss preferences relating to preferred parking spots, none of these preferences are in any way tied to the location of the mobile terminal. Thus, quite simply, Haynes, element 4040 does not teach the claim element. Since Haynes does not teach the claim element, Haynes does not anticipate claim 1.

Even if Haynes does teach determining a location of the mobile terminal (a point which Applicant does not concede based on the Patent Office’s citation), Haynes does not teach determining the location when the location is outside the parking area or facility. Haynes finds a space in a parking lot once the vehicle is in that lot. The present invention finds parking lots, or other types of parking areas, with available parking for users. Notably, the parking lots are found for the user prior to the user arriving at the parking lot. This early identification of parking areas with available parking assists the user in finding an available parking lot or selecting from a number of available parking lots. As noted above, requiring the mobile terminal to be in the parking area before identifying the parking area defeats Applicant’s intended purpose.

Claims 2-12 depend from claim 1 and are not anticipated at least for the same reasons.

Claim 13 recites “determine a location of the mobile terminal. . . .” The Patent Office asserts that this element is taught by Haynes, Figure 3, element 3200. Figure 3, element 3200 is a memory within element 3000 (an interaction device, see Haynes, col. 10, line 5). Memory 3200 is discussed in detail at Haynes, col. 10, lines 25-37, and this discussion has no teaching or suggestion that the memory 3200 determines the location of the mobile terminal. Thus, quite simply, Haynes, element 3200 does not teach the claim element. Since Haynes does not teach the claim element, Haynes does not anticipate claim 13.

As further noted above, even if Haynes teaches determining a location of the mobile terminal, Haynes does not teach determining a location of the mobile terminal when the mobile terminal is outside any parking area or facility. Thus, the claim is not anticipated.

Claims 14-24 depend from claim 13 and are not anticipated at least for the same reasons.

Claim 25 recites “determine a location of the mobile terminal. . . .”, as well. The Patent Office asserts that this element is taught by Haynes, Figure 4, element 4030. Applicant

respectfully traverses. Element 4030 tersely states “grant subscription request”, but makes no mention of determining the location of the mobile terminal. Element 4030 is discussed in greater detail by Haynes, col. 13, lines 7-20, but again, this passage makes no mention of determining the location of the mobile terminal. While the passage does mention a map, there is no indication that the mobile terminal is located on the map or that there is any determination of the location of the mobile terminal. Since Haynes does not teach the claim element, Haynes does not anticipate claim 25.

As further noted above, even if Haynes teaches determining a location of the mobile terminal, Haynes does not teach determining a location of the mobile terminal when the mobile terminal is outside any parking area or facility. Thus, the claim is not anticipated.

Claims 26-36 depend from claim 25 and are not anticipated at least for the same reasons.

Claim 37 recites “means for determining a location of the mobile terminal. . . .” The Patent Office relies on its analysis of claim 13. As explained above, the Patent Office’s analysis of claim 13 is deficient. Thus, claim 37 is not anticipated.

As further noted above, even if Haynes teaches determining a location of the mobile terminal, Haynes does not teach determining a location of the mobile terminal when the mobile terminal is outside any parking area or facility. Thus, the claim is not anticipated.

Claims 2, 14, and 26 deserve special mention. As amended, these claims recite expanding the location of the mobile terminal into an associated area of interest. Areas of interest are described in paragraph 0037. Nothing in Haynes teaches or suggests such expanding. The Patent Office asserts variously that Figure 4, element 4080; Figure 3, element 3400; and Figure 3, element 3000 teach the element. However, element 4080 is “reserve parking space”. This terse recitation is not the expanding of a location into an area of interest as the term “area of interest” is explained in the specification. Element 3400 is a database. The concept of a database does not correlate to expanding the location to an area of interest. Element 3000 is an interaction device. There is nothing about the interaction device that teaches expanding the location of the mobile terminal to an area of interest as that term is used. Thus, these claims are not anticipated.

Claims 3 and 4 (and their counterparts 15, 27 and 16, 28) help clarify the intended meaning of the location of the mobile terminal. Specifically, claim 3 recites determining a direction of travel for the mobile terminal. This direction determination is described in

Applicant's paragraph 0021 and is useful to help determine the area of interest. That is, knowing that the user is traveling eastbound may cause parking areas on the southern side of the area be selected, thus allowing the user to turn right into the parking area. Claim 4 recites delivering directions to the available parking. Since the mobile terminal starts outside the parking area, the driving directions help the user arrive at the desired location. Since Haynes teaches the user already in the parking lot, his driving directions are not the same as those recited in the claims.

Applicant requests reconsideration of the rejection in light of the amendments and remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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